

March 14, 2002



William Caton
Acting Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Ex parte* presentation in: CS Docket No. 98-82

Dear Ms. Salas:

On March 13, 2002, Media Access Project (MAP) Associate Director Harold Feld and Priscilla Grim of the Association of Independent Video and Filmmakers (AIVF) met with Stacy Robinson, Legal Advisor to Commissioner Abernathy.

Ms. Grim explained that AIVF has over 2000 members who make independent films, documentaries, and other content for distribution via television, cable, film outlets, and the Internet. AIVF has anecdotal evidence from their members that increased horizontal and vertical concentration within the industry deprives her membership of valuable outlets. AIVF fears that increasingly larger cable systems with libraries of proprietary content increasingly prefer to promote their own content rather than buy work from independents. Furthermore, independents find they must modify their creative choices to appeal to the few media gatekeepers that control access.

Mr. Feld stated that Sec. 613(f)(2)(A) directs the FCC to ensure that no cable operator unfairly impedes the flow of programming from programmer to consumer. AIVF and other independents are as much "programmers" as those seeking to establish national networks, and the Commission must consider their concerns in formulating the rule. As part of this concern, the Commission must consider whether concentration increases the difficulty of local programmers or localities to secure carriage on PEG or community access channels.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Sincerely,

Harold Feld
Associate Director

cc: Stacy Robinson